

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: ) Confirmation No.: 3823  
Nobuharu OHSAWA et al. ) Examiner: Marie Rose Yamnitzky  
Serial No. 10/590,703 ) Group Art Unit: 1794  
Filed: August 25, 2006 )  
For: LIGHT EMITTING ELEMENT AND )  
LIGHT EMITTING DEVICE )

**AFTER FINAL RESPONSE**

Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Official Action mailed February 18, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 25, 2006; October 6, 2006; November 5, 2008; June 4, 2009; and November 9, 2009.

Regarding the Information Disclosure Statement filed on December 1, 2008 (received by OIPE December 3, 2008), the Official Action notes that "the examiner gave *full* consideration to each document listed in the IDS as evidenced by the examiner's initials next to each citation" (Paper No. 20090805, page 2; emphasis in original). In other words, despite the fact the Examiner crossed through the more accurate citations on the Form PTO-1449, *i.e.* the citations that show that full English translations of the cited documents have been submitted to the Patent Office, in light of the Examiner's comments included in the Official Action mailed August 7, 2009, reproduced above, it is understood that the Examiner has, in fact, considered the full English translations of the

"International Search Report (Application No. PCT/JP2004/018079) dated April 5, 2005" and the "Written Opinion (Application No. PCT/JP2004/018079) dated April 5, 2005." If and to the extent that the Applicant's understanding is incorrect, the Applicant respectfully requests any necessary clarification in a future Official Action.

Claims 50-74 are pending in the present application, of which claims 50, 59, 68, and 71-74 are independent. The Applicant notes with appreciation the indication of the allowance of 68-70, 73 and 74. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 7 of the Official Action rejects claims 50-57, 59-66, 71, and 72 under the doctrine of obviousness-type double patenting over claims 6-9, 13, 15, and 16 of U.S. Application No. 11/797,532 to Inoue.

Paragraph 8 of the Official Action rejects claims 58 and 67 under the doctrine of obviousness-type double patenting over claims 6-9, 13, 15, and 16 of Application Serial No. 11/797,532 to Inoue in view of U.S. Publication No. 2001/0019782 to Igarashi.

In response, a *Terminal Disclaimer* is submitted herewith. Upon filing of this *Terminal Disclaimer*, the claims of the present application are now believed to be in condition for allowance. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,

  
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